

ORIGINAL

WILLIAM W. MANLOVE, Oregon State Bar ID Number 891607
Senior Deputy City Attorney
Email: william.manlove@portlandoregon.gov
Office of City Attorney
1221 SW 4th Avenue, Rm 430
Portland, OR 97204
Telephone: (503) 823-4047
Facsimile: (503) 823-3089
Of Attorneys for Defendant

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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

THOMAS GLENN and PATSY
McKINNEY,

CV No. 11-402 BR

PLAINTIFFS,

NOTICE OF REMOVAL

v.

CITY OF PORTLAND, a public body,

DEFENDANT.

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF OREGON:

Removing party, City of Portland, by its undersigned attorney, respectfully shows this
Court:

1. The removing party, City of Portland, is the defendant in the above-entitled action.
2. On August 11, 2010, the above-entitled action was commenced against the City of Portland in the Circuit Court of the State of Oregon for the County of Multnomah and is now pending in such court, with the court number 1008-11737.
3. On August 12, 2010, a copy of the Summons and Complaint in the above-entitled state action was served upon the Portland City Attorney at the Offices of the City Attorney in Portland, Oregon.

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#359779

4. On September 22, 2010, defendant City of Portland filed its Answer and Affirmative Defenses to Plaintiff's Complaint.

5. On March 21, 2010, plaintiffs filed a First Amended Complaint adding federal claims against defendant City of Portland.

6. Defendant City of Portland now wishes to remove this case from state court to the United States District Court for the District of Oregon Portland Division.

7. This notice of removal is filed within 10 days after service of plaintiff's First Amended Complaint.

8. This Court has original jurisdiction of the above-entitled action pursuant to 28 USC §§ 1331 and 1343(a) because it is a suit for damages on account of an alleged violation of plaintiffs' rights, privileges and immunities secured by the Constitution and laws of the United States. This action is removable under 28 USC § 1441(a) and (b).

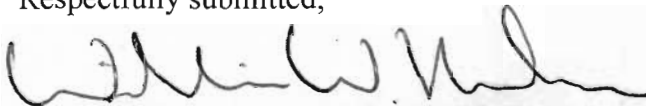
9. A copy of the complete file maintained by the Clerk of the Multnomah County Circuit Court for Case No. 1008-11737 is attached to this Notice.

10. On the date set forth below, a copy of this notice was served on plaintiffs' attorneys. On the same date, a copy of this notice was filed with the clerk of the Multnomah County Circuit Court in which the action was commenced.

WHEREFORE, the City of Portland requests that the above-entitled action be removed from the Circuit Court of the State of Oregon for the County of Multnomah to the United States District Court for the District of Oregon Portland Division.

Dated: March 30th, 2011.

Respectfully submitted,



WILLIAM W. MANLOVE, OSB # 891607
Senior Deputy City Attorney
Telephone: (503) 823-4047
Of Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing NOTICE OF REMOVAL on:

Michael L. Rosenbaum
Travis J. Mayor
Attorneys at Law
1826 NE Broadway
Portland, OR 97232-1430
Attorneys for Plaintiffs

on March 30th, 2011, by causing a full, true and correct copy thereof, addressed to the last-known address (or fax number) of said attorneys, to be sent by the following method(s):

- ☒ by **mail** in a sealed envelope, with postage paid, and deposited with the U.S. Postal Service in Portland, Oregon.
- ☐ by **hand delivery**.
- ☐ by **email** pursuant to LR 5.2(b).
- ☐ by **facsimile transmission**.



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